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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,428	08/29/2003	Fei Xie	17405US04	8633
23446 7590 06/01/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER PAN, YUWEN	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/651,428

**Applicant(s)**

XIE, FEI

**Examiner**

Yuwen Pan

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments, see applicant's remark, filed 3/23/07, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hein et al (US006580903B2).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 rejected under 35 U.S.C. 103(a) as being unpatentable over Judge (US006718298B1) in view of Goh (US006671353B1).

Per claims 1 and 12 Judge discloses a method in a mobile set for selecting data to be stored (see column 1 and lines 58-column 2 and lines 16), comprising:  
having a plurality of recording modes, each of the plurality of recording modes (incoming record mode, outgoing record mode, and both incoming and outgoing mode) for recording a different set of data frames exchanged between the mobile set and a second device during a phone call (see column 5 and lines 47-54); recording a set of data frames identified by a selected recording mode (see column 4 and lines 9-28). Judge doesn't teach display and indicating a selection mechanism for choosing one of the displayed plurality of recording modes. Goh teaches displaying and listing different recording modes and steps (see figure 2, column 2 and lines 34-67). It would have been obvious to one ordinary skill in the art at the time the invention was

made to combine the teaching of Goh with Judge's device such that the user is able to visually anticipate with various recording functions.

Per claim 2, Goh further teaches that providing a confirmation signal after a selection means for choosing a recording mode has been selected (see figure 2 and item 215, notifying user whether the device read for record or not).

Per claim 3, Judge discloses a method in a mobile set for replaying recorded conversations, comprising: the recorded conversations including uplink (outgoing) data frames transmitted from the mobile set to a second device during a phone call, and downlink (incoming) data frames transmitted, from the second device to the mobile set during the phone call, wherein the uplink and downlink data frames are selectively recorded based on data content analysis performed by the mobile set of each uplink and downlink data frame (see column 4 and lines 38-62, column 5 and lines 48-55). Judge does not disclose displaying a line indicating a data structure of recorded conversations, in response to selection of the displayed line, replaying a recorded conversation. Goh teaches displaying and listing different recorded voice message with corresponding index and steps (column 3 and lines 19-30). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Goh with Judge's device such that the user is able to visually anticipate with various recording/playback functions.

Same arguments apply, *mutatis mutandis*, to claim 4.

Per claim 5, Goh further teaches that the displaying of a list of data structures can be accessed during a real time subscriber conversation using the mobile set without interfering in the communication between the subscriber and a base station (see column 3 and lines 19-21).

Per claim 6, Goh teaches that a part of a previously recorded conversation may be transmitted through the uplink signal (see column 3 and lines 63-64).

Per claim 7, Judge further teaches that that voice signals are recorded from both ends (see column 546-54).

Same arguments apply, *mutatis mutandis*, to claim 8.

Per claim 9, Judge further teaches that the set of data frames include non-speech data (see column 3 and lines 32-40, SID).

Same arguments apply, *mutatis mutandis*, to claims 14, 16.

Per claim 10, Judge further teaches that the data frames include speech data (see column 3 and line 50).

Same arguments apply, *mutatis mutandis*, to claim 11.

Per claim 13, Judge further teaches that the non-speech data includes application data (SID, column 3 and lines 32-40).

Same arguments apply, *mutatis mutandis*, to claims 15, and 17.

Per claim 18, Judge further teaches data content analysis includes a determination of data content level. (see column 5 and lines 25-30, bad data).

Per claim 19, Judge further teaches that data content analysis includes a determination of voice activity (see column 3 and lines 51-65).

Same arguments apply, *mutatis mutandis*, to claim 20.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Yuwen Pan  
May 25, 2007